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Expedited Handling Requested  
**VIA OVERNIGHT MAIL**

September 19, 2005

Victoria Rutson  
Attn: Catherine Glidden  
Surface Transportation Board  
1925 K Street, NW  
Room 504  
Washington, DC 20423-0001

Re: BNSF Railway Company – Abandonment Exemption – In Ramsey County, MN, Docket No. AB-6 (Sub-No. 429); Minnesota Commercial Railway Company – Discontinuance of Service Exemption – In Ramsey County, MN, Docket No. AB-882 (Sub-No. 1)

Dear Ms. Rutson:

Enclosed for your handling are BNSF quadruplicate original signatures of the Memorandum of Agreement by and among BNSF, the STB, the Minnesota SHPO, and the City of Maplewood. Pursuant to my communications with your office, it is my understanding that SEA has reviewed and approved the document, subject to BNSF's concurrence. Assuming it meets with your approval, please arrange for execution by SEA and once you have all signatures in hand, BNSF and the City of Maplewood would appreciate receiving a set of signed originals, or at a minimum, a photocopy of the signed originals.

I will follow up with a letter request to the Secretary's office that the Section 106 condition imposed in this docket be lifted as soon as possible to facilitate a closing on the real estate transfer transaction with the City of Maplewood. SEA's coordination and swift handling of this matter has been impressive and is extremely appreciated.

Sincerely,

Sarah W. Bailiff

SWB/gea  
Enclosure

cc: David Ramberg, Counsel for City of Maplewood (via fax)

**MEMORANDUM OF AGREEMENT**  
**AMONG THE SURFACE TRANSPORTATION BOARD,**  
**BURLINGTON NORTHERN SANTA FE RAILWAY COMPANY,**  
**THE MINNESOTA STATE HISTORIC PRESERVATION OFFICER, AND**  
**THE CITY OF MAPLEWOOD, MINNESOTA**

**REGARDING THE**  
**BNSF RAILWAY COMPANY – ABANDONMENT EXEMPTION – IN RAMSEY COUNTY,**  
**MN**  
**Docket No. AB-6 (Sub-No. 429X)**

**MINNESOTA COMMERCIAL RAILWAY COMPANY – DISCONTINUANCE OF SERVICE**  
**EXEMPTION – IN RAMSEY COUNTY, MN**  
**Docket No. AB-882 (Sub-No. 1X)**

August 25, 2005

WHEREAS, the Surface Transportation Board (STB)<sup>1</sup>, the lead Federal Agency, has received a Verified Notice of Exemption Under 49 U.S.C. § 1152.50 for the ~~Burlington Northern Santa Fe~~ <sup>BNSF</sup> Railway Company (BNSF) abandonment of an out-of-service rail line that extends from a point approximately 100 feet north of Interstate Highway 694 in White Bear Township to a point approximately 50 feet north of Beam Avenue in Maplewood, a distance of 0.67 miles in Ramsey County, Minnesota; and

WHEREAS, the STB imposed a condition for the proposed abandonment that BNSF must retain its interest in and take no steps to alter the historic integrity of all historic properties within the right-of-way that are eligible for listing in the National Register of Historic Places (National Register) until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f; and

WHEREAS, the STB has determined that the proposed project is an undertaking which may have an effect upon historic properties included in or eligible for inclusion in the National Register, and is in consultation with the Minnesota State Historic Preservation Officer (SHPO), pursuant to Section 800 of the regulations (36 CFR Part 800) implementing Section 106 of the National Historic Preservation Act; and

WHEREAS, the STB in consultation with the SHPO has determined that the proposed abandonment will have an effect on the rail line, a property eligible for listing in the National Register; and,

WHEREAS, the BNSF, the project proponent, participated in the consultation and has been invited to concur in this Memorandum of Agreement; and,

WHEREAS, the BNSF is pursuing abandonment of the rail line due to a proposed City of Maplewood road expansion project, the City of Maplewood has participated in the consultation and has been invited to concur in this Memorandum of Agreement; and

WHEREAS, the STB has consulted with the SHPO, the BNSF, and the City of Maplewood pursuant to Section 36 CFR 800.6 regarding ways to avoid, minimize, or mitigate effects to the rail line; and,

WHEREAS, the STB, in consultation with the Signatory and Invited Signatories, has developed a mitigation plan for the development of a historic context of the rail line; and,

WHEREAS, the STB may use an independent third-party contractor, working under its supervision, direction, and control, and at the City of Maplewood's expense, to assist in meeting the STB's responsibilities defined in the stipulations below; and,

NOW, THEREFORE, STB and the SHPO agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

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<sup>1</sup> The STB was created with the passage of the ICC Termination Act of 1995 (Pub. L. No. 104-88). STB, an independent body within the U.S. Department of Transportation, is responsible for administering rail, pipeline, and certain adjudicatory function involving motor and water carriers. These responsibilities are similar to those duties formerly administered by the Interstate Commerce Commission. The STB is the lead agency under the National Historic Preservation Act for the BNSF Railway Company – Abandonment Exemption – in Ramsey County, MN and the Minnesota Commercial Railway Company Discontinuance of Service Exemption in Ramsey County, MN.

### Stipulations

STB, in consultation with the BNSF and City of Maplewood, will ensure that the following measures are carried out.

- I. A. The City, as voluntarily agreed to by them, shall provide an interpretive sign at the trail head located at the intersection of County Road D and Hazelwood Street. The interpretive sign will provide an overview of the history of the rail line corridor and present its importance to the development of the state of Minnesota. Content and appearance of the sign will be coordinated with other interpretive efforts occurring along the trail. The City will consult with the SHPO on the placement, content, and presentation of the interpretive sign. This sign will be erected at the conclusion of construction of County Road D, anticipated to be no later than December 31, 2006.
- B. The SHPO shall have thirty (30) calendar days after the receipt of adequate documentation to review and concur on the City's interpretive sign.
- II. A. The City, as voluntarily agreed to by them, shall retain the professional services of a qualified historian/architectural historian meeting, at a minimum, the *Secretary of the Interior's Professional Qualifications Standards* for historian or architectural historian. The history of the rail line will be prepared in accordance with Attachment A that was developed for this project in coordination with the STB and the SHPO. The historic context will serve as a basis for interpretive efforts for the entire line from Duluth to St. Paul. Work on the history shall commence no later than April 15, 2006 with completion by April 15, 2007.
- B. The City, on behalf of STB, and as voluntarily agreed to by them, shall provide the history to the SHPO. The SHPO shall have thirty (30) calendar days after the receipt of the history to provide concurrence with the document or provide comments upon it to the City and STB. The City shall work with the architectural historian/historian to address SHPO comments.
- C. The City, as voluntarily agreed to by them, shall provide two copies of the history to the SHPO. Copies shall also be provided to the agencies responsible for management of the trails that make use of the railway right-of-way for use in preservation management and interpretive programs and distributed to libraries in communities located along the trail corridor and other repositories, as requested.
- III. If Stipulations I and II have not been completed by April 15, 2007, the parties to this Agreement shall review this Agreement to determine whether revisions are needed. If revisions are needed, the parties to this Agreement shall consult in accordance with 36 CFR Part 800 to make such revisions.
- IV. The City, as voluntarily agreed to by them, shall permit the SHPO to review and comment on all contracts that the City proposes to use to implement the terms of this Agreement. The City shall not alter the terms of any such contract, nor appoint new personnel responsible for overseeing such contract, without first affording the SHPO the opportunity to review the proposed

replacement personnel change and determine whether it will require that revisions be made in this Agreement. If revisions are needed, the parties to this Agreement shall consult in accordance with 36 CFR Part 800 to make such revisions.

- V. Should any party to this Agreement object within thirty (30) days after receipt to any contracts or reports, or other documents provided for review pursuant to this Agreement, or to the manner in which this Agreement is being implemented, the STB shall consult with the objecting party to resolve the objection. If the STB determines that the objection cannot be resolved, the STB will request the comments of the Advisory Council on Historic Preservation (Council) pursuant to 36 CFR §800.6(b). Any Council comment provided in response to such a request shall be taken into account by the STB in accordance with 36 CFR §800.6(c)(2) with reference only to the subject of the dispute; the STB's responsibility to carry out all actions under this Agreement that are not the subjects of the dispute shall remain unchanged.

Execution of this Memorandum of Agreement by the STB, the SHPO, the BNSF, and the City, and its subsequent submission to the Advisory Council on Historic Preservation (Council) in accordance with 36 CFR 800.6(b)(1)(iv), shall, pursuant to 36 CFR 800.6(c), be considered to be an agreement with the Council for the purposes of the National Historic Preservation Act. Execution and submission of the Memorandum of Agreement, and implementation of its terms, evidences that the STB has afforded the Council an opportunity to comment on the proposed action relating to the line, and that STB has taken into account the effects of the abandonment on historic properties and is satisfying the requirements of Section 106 of the National Historic Preservation Act (Title 16 USC Section 470(f)).

Surface Transportation Board

By: \_\_\_\_\_  
Victoria Rutson  
Chief, Section of Environmental Analysis

Date: \_\_\_\_\_

Minnesota State Historic Preservation Officer

By: \_\_\_\_\_

Date: \_\_\_\_\_

Invited Signatory

City of Maplewood

By: \_\_\_\_\_  
Charles Ahl, PE  
Director of Public Works/City Engineer

Date: \_\_\_\_\_

~~Burlington Northern Santa Fe~~ <sup>BNSF</sup> Railway Company *SWB*

By: *Sarah W. Barlett*

Date: *09-14-05*

## **ATTACHMENT A**

### **Historic Context – Northern Pacific Railway Scope of Work**

#### **Introduction**

The rail corridor known for much of its period of use as the Northern Pacific Railway, St. Paul to Duluth Line was an important transportation route that linked the state's major Lake Superior port with its hub of commercial activity. This rail line is eligible for listing in the National Register of Historic Places. The redevelopment of the railway right-of-way for recreational purposes (trails) has been undertaken by several government agencies. The mitigation component of this undertaking will include the documentation of the historic significance of the transportation corridor from St. Paul to Duluth and dissemination of that information to the various agencies that manage the trails. The purpose of this mitigation is twofold: to provide an overview and understanding of the transportation corridor in its broadest terms, and to make this information available to the managers of the trails, who may wish to use it in interpretive programming.

Most of the former Northern Pacific Railway rail bed between St. Paul and Duluth has been converted to trail use. Completed segments of the "rails to trails" conversion include:

- The Bruce Vento Regional Trail from East 7<sup>th</sup> Street in St. Paul to Beam Avenue in Maplewood;
- The Hardwood Creek Regional Trail, Washington County, from Hugo north to the county line;
- The Sunrise Prairie Trail, Chisago County, from the county line north to North Branch; and
- The Willard Munger State Trail, from Hinckley to Duluth.

After additional segments of the rail line are no longer used to provide rail service, it seems likely that the remaining segments of the rail line will also be converted to trails.

#### **Historic Context Project**

In order to increase the understanding of this transportation corridor, a historical context will be prepared that will discuss the development and use of the Northern Pacific rail line, its later replacement by other forms of transportation, and its final reuse for recreational purposes. This document will emphasize the following:

- the importance of the rail line in the transportation of passengers and freight;
- the development of communities along the corridor between St. Paul and Duluth; and
- the impact that rail lines such as this once had on the lives and livelihoods of Minnesotans during the last half of the nineteenth century and first half of the twentieth century.

The historical context will be made available in the following ways:

1. Placed on file in the State Historic Preservation Office for use in cultural resources documentation and compliance projects located in the counties crossed by the rail line.
2. Distributed to the agencies responsible for management of the trails that make use of the railway right-of-way for use in preservation management and interpretive programs.
3. Distributed to libraries in communities located along the trail corridor and other repositories, as requested.